

04-20-56

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On

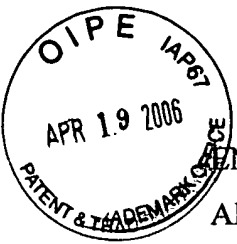
Date

4/19/06  
Carol A Wheasler  
Signature:

CAROL A WHEASLER  
Typed or printed name of person signing certificate

\_\_\_\_\_  
Registration Number if applicable

317/374-8243  
Telephone Number



ENCLOSURE PER TELEPHONE CONVERSATION WITH ERIC DANZTLER  
APRIL 19, 2006 - WITH CAROL WHEASLER AND ERIC:  
SUPPLEMENT TO NON-COMPLIANCE



April 19, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: Victor Batson  
Attn: Eric Dantzler

Dear Victor:

Please find enclosed corrected items as requested on the Notice Of Non-Compliant originally dated November 15, 2005, for application number 10/631,383 title of Invention: Mobile Grave Excavator. Also enclosed is a copy of the original letter dated December 12, 2005 requesting the extension of time and payment until March 21, 2006. And in addition is a copy of the mail sent from Eric Dantzler in late March. We apologize for the slow response as we have both experienced some very traumatic situations with our families the past 6 months, are we in no way want to lose this patent as it is being received remarkably with great interest.

If you have any questions you can email me at [pbs87@sbcglobal.net](mailto:pbs87@sbcglobal.net), fax at 317-831-

3787, or my cell phone at 317-627-1124. Thank you for your assistance with my patent.

Sincerely,

A handwritten signature in black ink that reads "William R. Cole". The signature is fluid and cursive, with the first name "William" being the most prominent.

William R. Cole  
8760 S. C.R. 825 E.  
Plainfield, IN 46168  
Phone: (home) 317-831-2741  
Carol A. Wheasler Patent Asst.

## **PBS Freshproducts**

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**From:** Dantzler, Eric [Eric.Dantzler@USPTO.GOV]  
**Sent:** Friday, March 24, 2006 10:39 AM  
**To:** pbs87@sbcglobal.net  
**Subject:** RE: Non-Compliant Amendment for 10/631,383

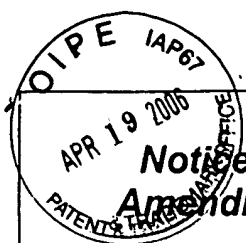
The amendment document filed 02/21/06 is still considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment to be compliant, correction of the following items is required.

1. Amendments to specification must be made by adding, deleting or replacing a paragraph, by replacing a section, or by submitting a substitute specification. In order to delete, replace or add a paragraph to the specification, the amendment must identify to paragraph to be modified either by paragraph number or page and line. Replacement paragraphs must include markings to show the changes.

2. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. e.g.. (original), (currently amended), (previously presented), (canceled), (withdrawn), (new), or (not entered).

3. The drawings are not properly identified in the top margin as "Replacement Sheet", "New Sheet", or "Annotated Sheet."

Eric Dantzler, Sr.  
Legal Instruments Examiner  
United States Patent and Trademark Office Knox-2-D08-C  
571-271-6586



# Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.	Applicant(s)	
10/631,383	COLE, WILLIAM R.	
Examiner	Art Unit	
Victor Batson	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 23 August 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

## THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
  - ☒ A. Amended paragraph(s) do not include markings.
  - ☒ B. New paragraph(s) should not be underlined.
  - ☒ C. Other See Continuation Sheet.
- ☒ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☒ B. Other the abstract should be in single paragraph form.
- ☒ 3. Amendments to the drawings:
  - ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☒ C. Other See Continuation Sheet.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

## **Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Continuation of 1(c) Other: The specification is considered to include new matter not disclosed in the original application.

Continuation of 3(c) Other: figure 5 is considered to include new matter not included in the application as originally filed. ✓

Continuation of 4(e) Other: The claims are still narrative in form and replete with indefinite and functional or operational language.



December 12, 2005

Commission for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: Commissioner for Patents

Please accept this letter for a three month extension for application number 10/631,383, title of Invention: Mobile Grave Excavator from 12/21/05 for an additional three months until 03/21/0<sup>6</sup>. This time is needed to respond accurately to the notice of non-compliant amendment, dated November 15, 2005. Please find enclosed a check for the amount of \$5100.00 to cover the additional three month extension.

Sincerely,

A handwritten signature in cursive script that reads "William R. Cole".

William R. Cole  
8760 S CR 825 E  
Plainfield, IN 46168  
Phone: 317/831-2741